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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by The Arab Association for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Written statement submitted by the Arab Association for Human Rights, a nongovernmental organization in special consultative status

1. **The Arab Association for Human Rights (HRA),** remains gravely concerned over policies and practices of Israel that adversely impact not only the Palestinians subject to the daily miseries and humiliations of the occupation, but also the Palestinian Arab minority in the State of Israel. The following is a brief overview of recent developments in Israel that suggest a widespread and systematic pattern of discrimination and dispossession of the Palestinian people. Such policies violate both the letter and the spirit of various provisions of international human rights law.

'Jewish Nation-State' bill

2. Last November, the Israeli cabinet voted 14-7 to pass a new Basic Law defining Israel as the nation-state of the Jewish people. Although many of the bill's provisions apply already in Israel, the proposed law would codify, both practically and symbolically, a discriminatory régime that treats Palestinian Arabs as second-class citizens of the State of Israel. The bill stipulates that '[t]he Right of national self-determination in the State of Israel is unique to the Jewish people'. It provides that Hebrew shall be exclusively the official state language, demoting Arabic to a 'special standing'. While presumably preserving the rights of *individuals* regardless of religion or nationality, the proposed law makes collective rights the exclusive domain of the Jewish people. Nowhere does the term 'equality' appear in the proposed legislation.[1]

3. The International Covenant on Civil and Political Rights (ICCPR), to which Israel is a State Party, states that '[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law'.[2] Israel is also a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which safeguards the cultural rights of peoples 'without discrimination of any kind as to race . . . language, religion . . . national or social origin . . . birth or other status'.[3] Although the bill presumably does not interfere with Palestinian Arabs' individual rights as such, it would privilege the national and collective rights of the Jewish people to the exclusion of non-Jews. By predicating the status and protections afforded to persons on the basis of national and religious origin, the bill would codify an intrinsically discriminatory régime contrary to the human rights norms Israel has ratified.

4. This status-based discrimination extends as well to the Palestinian refugees displaced since 1948, whose right of return to their country (present-day Israel) has been recognised in numerous international human rights instruments[4] and by the U.N. General Assembly.[5] The Jewish nation-state bill grants a right of citizenship to every Jew, no matter his or her origin, while denying that same right to Palestinian refugees and their descendants, no matter their ties to their

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[1] *See Basic Law: Israel as Nation-State of the Jewish People*, ISRAEL MINISTRY OF JUSTICE, http://index.justice.gov.il/StateIdentity/InformationInEnglish/Documents/Basic%20Law%20110911%20(1).pdf.

[2] International Covenant on Civil and Political Rights art. 26, 16 Dec. 1966 [hereinafter ICCPR].

[3] International Covenant on Economic, Social and Cultural Rights art. 2(2), 16 Dec. 1966 [hereinafter ICESCR].

[4] *See, e.g.*, ICCPR, *supra* note 2, art. 12(4); International Convention on the Elimination of All Forms of Racial Discrimination art. 5(d)(ii), 21 Dec. 1965 [hereinafter CERD]; Universal Declaration of Human Rights art. 13(2), 10 Dec. 1948 [hereinafter UDHR].

[5] *See, e.g.*, G.A. Res. 2535B, U.N. Doc. A/RES/2535B (XXIV) A–C (10 Dec. 1969); G.A. Res. 2672 (XXV), U.N. Doc. A/RES/2672 (XXV) A–D (8 Dec. 1970).

homeland. This asymmetrical residency and citizenship standard is exercised in flagrant violation of human rights principles and strictly on the basis of national and religious origin.

Racist statements during the last election

5. The Universal Declaration of Human Rights (UDHR) proclaims that '[t]he will of the people shall be the basis of the authority of government', as instantiated through elections 'by universal and equal suffrage'.[6] The ICCPR affirms that every citizen shall be entitled—without discrimination on the basis of race, political opinion or national origin[7]—'to take part in the conduct of public affairs, directly or through freely chosen representatives'.[8]

6. On 17 March, the day of the last Knesset election, Prime Minister Benjamin Netanyahu stated publicly that 'right-wing rule is in danger. Arab voters are coming out in droves to the polls. Left-wing organisations are bussing them out'.[9] This racist and dehumanising rhetoric did not necessarily prevent Palestinian Arabs from exercising their right to vote; but it revealed the discriminatory attitudes, expressed by government officials, that may portend future political restrictions. Moreover, it exposed the entrenched and institutionalised exclusion of Palestinian Arabs from Israeli political participation—alienating an already marginalised minority group—contrary to the principles of equality and participation enshrined in the ICCPR.

Forced evictions

10. All of these developments foreground the continued occupation of the Palestinian territory and the ongoing disenfranchisement of the Arab citizens of Israel. One of the degradations these two populations share in common is their subjection to forced evictions, authorized by the State of Israel, to make room for Jewish residency. The 2011 Bill on the Arrangement of Bedouin Settlement in the Negev, known as the Prawer Plan, would evict 30,000 Bedouin living in the Negev,[10] whilst encouraging Jewish settlement into the region.[11] More recently, the Israeli Supreme Court ruled that the Bedouin villagers of Umm al-Hiran held no legal rights to their land, which belonged instead to the State; it was thus permissible for the government to remove the Bedouin inhabitants to construct a town for Jewish residents.[12]

11. Such policies give rise to a widespread practice of forcibly evicting the Palestinian Arab minority of Israel: by preventing development, withholding services, evacuating residents and demolishing homes. This practice violates, *inter alia*, the internationally recognized human right to adequate housing,[13] especially in light of the guarantee of non-discrimination.[14] Rather than secure those rights, the policies of Israel have given the deprivation thereof a legal imprimatur.

In light of the above, we urge the HRC to:

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[6] UDHR, *supra* note 4, art. 21(3).
[7] ICCPR, *supra* note 2, art. 2(1).
[8] *Id.* at art. 25(a).
[9] *Benjamin Netanyahu*, FACEBOOK (17 Mar. 2015), www.facebook.com/video.php?v=10152778935532076.
[10] *See* Dana Weiler-Polak, *UN Panel Urges Israel to Shelve 'Racist' Bedouin Relocation Plan*, HAARETZ (26 Mar. 2012), http://www.haaretz.com/news/israel/un-panel-urges-israel-to-shelve-racist-bedouin-relocation-plan-1.420692.
[11] *See* Catrina Stewart, *Israel's Bulldozers vs the Bedouin Arabs*, BELFAST TELEGRAPH (4 Nov. 2011), http://www.belfasttelegraph.co.uk/news/world-news/israels-bulldozers-vs-the-bedouin-arabs-28676938.html.
[12] *See* S.C. Appeal 3094/11, Ibrahim Farhood Abu al-Qi'an et al. v. The State of Israel (5 May 2015).
[13] *See, e.g.*, ICESCR, *supra* note 3, art. 11(1).
[14] *See, e.g.*, CERD, *supra* note 4, art. 5(e).

1. **Call on the State of Israel to review its policies and jurisprudence in line with its obligations under international human rights law;**
2. **Call upon the GA to condemn those practices of Israel which contravene established norms of international law;**
3. **Continue to review, in tandem with relevant international instruments' monitoring bodies, the State of Israel's compliance with its international obligations;**
4. **Use all means at the HRC's disposal to seek redress for victims of violations of international human rights law, particularly *vis-à-vis* those forcibly displaced.**